IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl..No. 7021 of 2007()

CMP.5461/2007 of J.M.F.C.-I,PATHANAMTHITTA

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PETITIONERS/ACCUSED

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1. M.MANOJ, S/O. LATE MURALEEDHARAN PILLAI, AGED 33 YEARS, SANTHIYIL, KADAMMANITTA P.O., NARANGANAM VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

2. SUMATHIKKUTTIYAMMA, AGED 57 YEARS, W/O. MURALEEDHARAN PILLAI, SANTHIYIL, KADAMMANITTA P.O., NARANGANAM VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

3. SREELATHA, AGED 26 YEARS, D/O. LATE MURALEEDHARAN PILLAI, SANTHIYIL, KADAMMANITTA PO., NARANGANAM VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.SANTHARAM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, (CIRCLE INSPECTOR OF POLICE, ARANMULA POLICE STATION, PATHANAMTHITTA DISTRICT), REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7021 of 2007

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Dated this the 19th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband, mother-in-law and sister-in law respectively of the defacto complainant. The defacto complainant has alleged commission of the offences punishable under Section 498A I.P.C. by the petitioners. The crime has been registered on the basis of a private complaint filed by the defacto complainant before the learned Magistrate, which complaint was referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage had taken place on 3.6.2006. One child is born in the wedlock. There is strain in the matrimony.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners. In coming to this conclusion, the reality that the arrest and incarceration of the petitioners is likely to mar all possibilities of

reconciliation of marital relationship and the admitted fact that the victim had not suffered any external injury as a result of the alleged physical cruelty do weigh with me. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 3.12.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 4.12.07 and 5.12.2007 and thereafter shall appear on all Mondays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 3.12.07 and the

police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 3.12.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 3.12.2007.

(R. BASANT)
Judge

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